

EXECUTIVE BRANCH ETHICS COMMISSION

ADVISORY OPINION 95-27

June 27, 1998

RE: May convenient food store owned by employee's spouse accept food stamps?

DECISION: Yes.

This opinion is in response to your June 15, 1995, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the June 27, 1995, meeting of the Commission, and the following opinion is issued.

You state the relevant facts as follows. You are an employee of the Department for Social Insurance within the Cabinet for Human Resources. As a casework specialist principal, you are responsible for accepting, processing, and determining eligibility of applicants for Aid to Families with Dependent Children ("AFDC"), Food Stamps, and Medical Assistance benefits.

Your spouse plans to open a convenient food store and you ask if the store may accept food stamps from clients of the Department of Social Insurance.

KRS 11A.020(1)(c) provides:

(1) No public servant, by himself or through others, shall knowingly:

...

(c) Use his official position or office to obtain financial gain for himself or any members of the public servant's family;

The Commission believes your spouse's business may accept food stamps from clients of the Department of Social Services who patronize his store. However, the Commission advises you to avoid discussion of your spouse's business during state time. In addition, to avoid the appearance of a conflict of interest you should abstain from processing applications for food stamp clients who you know patronize your spouse's store on a regular basis.

Executive Branch Ethics Commission

By: Livingston Taylor, Chairman

